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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,432	06/22/2006	Sanni Fujita	1827-00052	1957
26753 7590 12/12/2008 ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202				
EXAMINER				
SANDERS, KRIELLION ANTIONETTE				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
12/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,432

Applicant(s)

FUJITA, SANAI

Examiner

Kriellion A. Sanders

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita, JP Patent No. 2001 335740 in view of Hei et al, US PG Pub 20020168422 [0174].
3. The rejection is repeated for reasons of record.
4. The Japanese reference discloses a coating containing animal bone meal exhibiting good adhesion in moisture having agents that provide anti- mildew, antibacterial, and thermal resistance by carrying out distributed restoration of the calcinated animal bone meal.
5. This coating material is prepared by compounding a main ingredient comprising 100 pts. wt. modified epoxy resin and 10-60 pts. wt. baked animal bone meal with 100 pts. wt. curing agent. The waterproof bottom sheet for a waste disposal site is coated with the coating material.
6. [0007] The animal bone meal is boiled and calcined at around 900 degrees C - 1100 degrees C, crushed,
7. The epoxy resin, (which may be for example a bisphenol – A, liquefied epoxy resin may be a liquefied epoxy resin), is used in conjunction with a curing agent that is a denaturation aliphatic series polyamine or a polyamide amine. See paragraph [0008] The coating composition may be used as a coating consisting of 2 liquids consisting of a base resin and a curing agent. See paragraph [0009].

8. Patentee states that it is also possible to blend the inorganic bulking agent of silica and to the animal bone meal. See paragraphs [0013] and [0023].

9. Hei et al discloses that buffering agents can be added to the antibacterial compositions, for example, to stabilize the pH of the antimicrobial solution. Suitable buffering agents might include buffering adjuvants such as weak inorganic acids, organic acids, organic salts, and inorganic salts for buffering purposes. These may encompass an inorganic-based salt or weak inorganic acids including phosphates (including mono- di-, or tri-basic potassium, calcium, or sodium phosphate), sulfates (including sodium, potassium, and magnesium sulfates), bisulfates, silicates (including sodium, potassium, and magnesium silicates), borates (including sodium or potassium borates, and boric acid), sulfamic acid. See the abstract and paragraph [0174].

10. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize the boric acid and sulfamic acid as buffering agents when dissolving the animal bone as used in the process of the Japanese patent. The ordinary practitioner of the art would be apprised of appropriate ratios of these components to use to achieve appropriate buffering results.

11. Applicant's arguments filed 8/29/08 have been fully considered but they are not persuasive. Applicant argues that Hei does not remedy the deficiencies of Fujita because Hei only discloses that buffering agents can be added to bacterial compositions, but does not disclose the mixing of silicon dioxide powder impregnated with a solution of calcinated animal bone powder and sulfamic acid and boric acid. Simply, there is no evidence or suggestion in the cited prior art of the claimed configuration,

12. This argument is not persuasive because Fujita discloses a coating containing animal bone meal exhibiting good adhesion in moisture having agents that provide anti- mildew, antibacterial, and thermal resistance by carrying out distributed restoration of the calcinated animal bone meal.

13. Fujita states that it is also possible to blend an inorganic bulking agent of silica with the animal bone meal. See paragraphs [0013] and [0023].

14. Therefore, Fujita provides inventive for the use of silica and calcinated bone meal. Hei provides incentive to utilize boric acid and sulfamic acid as buffering agents when dissolving the animal bone as used in the process of the Japanese patent.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kriellion A. Sanders/

Primary Examiner, Art Unit 1796

Kriellion A. Sanders
Primary Examiner
Art Unit 1796